

LATHAM & WATKINS LLP
Mark A. Broude
885 Third Avenue
New York NY 10022-4834
Telephone: +1.212.906.1200
Facsimile: +1.212.751.4864

Counsel for Creditor NetApp, Inc.

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

In re
LEHMAN BROTHERS HOLDINGS INC., *et al.*,
Debtors.

Chapter 11
Case No.: 08-13555 (JMP)
Jointly Administered

**NOTICE OF APPEARANCE AND
REQUEST FOR NOTICE AND SERVICE OF PAPERS**

PLEASE TAKE NOTICE that creditor NetApp, Inc. (“NetApp”), by and through its counsel of record, hereby requests, pursuant to Rule 2002-1(c) of the Southern District of New York’s Local Bankruptcy Rules, Rules 2002, 3017(a), 9007 and 9013 of the Federal Rules of Bankruptcy Procedure (the “Bankruptcy Rules”), sections 102(1), 342, and 521 of Title 11 of the United States Code (the “Bankruptcy Code”), that all notices given or required to be given in this case be given to and served upon the undersigned at the following address, telephone and facsimile number:

Peter M. Gilhuly
LATHAM & WATKINS LLP
355 South Grand Avenue
Los Angeles, California 90071-1560
Telephone: +213.485.1234
Facsimile: +213.891.8763
Email: peter.gilhuly@lw.com

PLEASE TAKE FURTHER NOTICE that, pursuant to Bankruptcy Rules 2002 and 9013, and Section 342 of the Bankruptcy Code, this request also includes, but is not limited to, all orders, notices, applications, motions, pleadings, objections, interim statements, status reports, schedules, complaints, demands, answers or reply papers, and any notice of entry of discharge, dismissal or conversion, made by the above-captioned debtor or any third party in this Chapter 11 case or any adversary proceedings or contested matters therein, including, without limitation, any of the following:

1. Any notice sent pursuant to Bankruptcy Rule 2002(a), (b), (e), (f) or (h); and
2. All notices sent to Committees pursuant to Bankruptcy Rule 2002(i).

PLEASE TAKE FURTHER NOTICE that NetApp requests that it be added to the master mailing list for this case.

PLEASE TAKE NOTICE that neither this request for notice nor any subsequent appearance, pleading, claim, proof of claim, document, suit, motion or any other writing or conduct shall constitute a waiver of NetApp's following rights: (1) rights with respect to jurisdiction under the Bankruptcy Code, (2) the right to trial by jury in any proceeding triable in this Chapter 11 case or any case, controversy or proceeding related to this Chapter 11 case, (3) the right to have final orders in non-core matters entered only after *de novo* review by the District Court, (4) the right to seek to have the District Court withdraw the reference in any matter subject to mandatory or discretionary withdrawal and (5) other rights, claims, actions, defenses, setoffs, recoupments or other matters to which NetApp is entitled under any agreements or at law or in equity or under the United States Constitution. NetApp expressly reserves and preserves these rights without exception and with no purpose of confessing, conceding, or consenting to jurisdiction in any way by this Notice or by any other participation in these matters.

Dated: New York, New York
November 20, 2008

Respectfully submitted,

LATHAM & WATKINS LLP

By /s/ Mark A. Broude
Mark A. Broude
885 Third Avenue
New York NY 10022-4834
Telephone: +1.212.906.1200
Facsimile: +1.212.751.4864
Counsel for NetApp, Inc.

LA\1919333.3